

REMARKS

Applicants thank the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 43-69 are pending in this application. Claims 43, 56 and 64 are independent claims. Claims 43, 56, 61, and 64 are amended. It is respectfully submitted that the amendments to Claims 43, 56, and 64 are supported by the specification as originally filed, for example, at paragraph [0055] of the equivalent published application (U.S. Patent Application Publication No. 2006/0167682; this paragraph corresponds to paragraph [0046] of the filed specification). The amendment to Claim 61 is merely to address a typographical error. Claim 1-42 were previously cancelled without prejudice or disclaimer. Reconsideration and allowance of the present application are respectfully requested.

Claim Rejections under 35 U.S.C. §102

Claims 43-46, 49, 53, 55-57, 61, 63-66 and 69 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,953,506 to Kalra et al. These rejections are respectfully traversed for at least the following reasons.

Each of independent Claims 43, 56, and 64 has now been amended to include a recitation that “the modified stream is distorted with respect to the original audio stream by modifying, replacing, substituting, and/or moving at least one element of an audio block of the original audio stream.” In contrast, Kalra et al., noting, e.g., col. 4, lines 13-59 and Figs. 2A and 2B, discloses a system in which a media stream (which may be audio, video, etc.) is divided into a “base stream” and one or more “additive streams,” which are collectively denoted an “adaptive stream.” The base stream contains a version of the media stream at a first resolution. The resolution of the transmitted information may be increased by transmitting one or more of the additive streams. As noted at col. 4, lines 24-30, a “resolution profile” associated with a multimedia device is used to determine whether and which additive streams are to be sent to the device along with the base stream, in order to provide the device with data at a resolution appropriate to the device. Nowhere does Kalra et al. disclose or suggest the claimed “modified

stream” that “stream is distorted with respect to the original audio stream by modifying, replacing, substituting, and/or moving at least one element of an audio block of the original audio stream.” Therefore, it is respectfully submitted that, for at least these reasons, Kalra et al. does not anticipate Claims 43, 56, and 64 or any of their dependent claims.

In addition, Applicants note that Claims 55 and 61 recite, respectively, “initially transmitting all of the complementary information to the target equipment; and decreasing, over time, the amount of complementary information being transmitted to the target equipment;” and “wherein the audio information server is configured to: initially transmit all of the complementary information to the target equipment; and decrease, over time, the amount of complementary information being transmitted to the target equipment.” The Office Action cites Kalra et al. at col. 16, line 51 to col. 17, line 60, along with Figs. 15B2A and 15B2B, as well as col. 25, lines 7-22. However, none of these sections address the claim elements discussed above. In particular, none of these sections address that all complementary information is initially sent and that the amount of such information is decreased with time. The first cited portions address how information may be selected for transmission. The second cited portion deals with a method of adaptive video encoding and has nothing to do with transmission. Furthermore, Applicants have found no other sections of Kalra et al. that disclose or suggest these elements. Therefore, it is respectfully submitted that Claims 55 and 61 are allowable over Kalra et al. for at least these further reasons.

Claim Rejections Under 35 U.S.C. §103

Claims 47, 48, 50-52, 58 and 59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of U.S. Patent No. 7,290,057 to Saunders et al. These rejections are respectfully traversed for at least the following reasons.

First, it is respectfully submitted that Saunders et al. fails to remedy the above-noted deficiencies of Kalra et al., and therefore, the above arguments apply to the claims rejected here.

Second, it is noted that Claim 47 recites, “wherein said data profile includes an indication of rights of a user to access content of the original audio stream.” The Office Action, at page 9, cites Saunders et al. at col. 12, lines 36-61 as disclosing this feature. However, Applicants note that this portion of Saunders et al. relates to “authoring and encoding a web component stream,”

as stated at col. 10, lines 51-56, and the cited portion is specifically addressing a format writer involved in doing this. It discusses that the format writer may apply encryption for digital rights management (DRM), and *there is no discussion of any user profile whatsoever*. Hence, it is respectfully submitted that Saunders et al. fails to address the elements of Claim 47 and that, therefore, for this further reason, Claim 47 is allowable over the cited references.

In addition, Claims 54 and 60 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of U.S. Patent No. 6,938,270 to Blackketter et al.; and Claim 62 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of U.S. Patent Publication No. 2002/0064285 to DeLeon. These rejections are also respectfully traversed.

Applicants note that all of these rejections rely on the same teachings of Kalra et al. used in rejecting the independent claims. However, as discussed above, Kalra et al. fails to address all of the elements of those claims, as amended. Furthermore, Applicants have not found teachings in any of the additionally-cited references that would remedy the deficiencies of Kalra et al. For at least these reasons, Applicants respectfully submit that these claims, too, are allowable over the cited references.

Finally, Claims 67 and 68 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra et al. in view of U.S. Patent Publication No. 2003/0061239 to Yoon. These rejections are also traversed for at least the following reasons.

First, Applicants note that all of these rejections rely on the same teachings of Kalra et al. used in rejecting the independent claims. However, as discussed above, Kalra et al. fails to address all of the elements of those claims, as amended. Furthermore, Applicants have not found teachings in Yoon that would remedy the deficiencies of Kalra et al. For at least these reasons, Applicants respectfully submit that these claims, too, are allowable over the cited references.

Furthermore, Claim 68 recites, “wherein the smart card [recited in Claim 67] is configured with a data profile to be used to determine a quantity of complementary information to be received by the apparatus.” At pages 14-15, the Office Action acknowledges that Kalra et al., the primary reference, lacks a teaching that a data profile may be found on a smart card. The Office Action, at page 15, cites Yoon, at paragraphs 32-36, in an attempt to remedy this

deficiency, also pointing to Kalra et al. in the abstract and at col. 3, line 66 to col. 4, line 59. However, Applicants note that Kalra et al., at col. 4, lines 24-30, discusses that the profile discussed in that reference is associated with a multimedia device. However, if the profile is associated with/a characteristic of the device, it cannot be on a smart card because a smart card is different from the device. Therefore, it is respectfully submitted that the references cannot be combined to obtain the claimed subject matter and that Claim 68 is allowable for this further reason.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01111-US from which the undersigned is authorized to draw.

Dated: May 26, 2009

Respectfully submitted,

Electronic signature: /Jeffrey W. Gluck/
Jeffrey W. Gluck
Registration No.: 44,457
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 572-0322 (Direct Dial)
(202) 293-6229 (Fax)
Attorney for Applicant